

S 15972

CONGRESSIONAL RECORD — SENATE

November 10, 1983

"(2) passes, utters, or publishes, or attempts to pass, utter, or publish, any Treasury check or bond or security of the United States bearing a falsely made or forged endorsement or signature shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"(b) Whoever, with knowledge that such Treasury check or bond or security of the United States is stolen or bears a falsely made or forged endorsement or signature buys, sells, exchanges, receives, delivers, retains, or conceals any such Treasury check or bond or security of the United States that in fact is stolen or bears a forged or falsely made endorsement or signature shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"(c) If the face value of the Treasury check or bond or security of the United States or the aggregate face value, if more than one Treasury check or bond or security of the United States, does not exceed \$500, in any of the above-mentioned offenses, the penalty shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both."

(b) Section 3056(a) of title 18, United States Code, is amended by inserting in the fifth clause the number "510," after "509."

(c) The analysis of chapter 25, of title 18, United States Code, immediately preceding section 471 of such title, is amended by adding at the end thereof the following:

"510. Forging endorsements on Treasury checks or bonds or securities of the United States."

PERCY AMENDMENT NO. 2564

Mr. PERCY proposed an amendment to the joint resolution (H.J. Res. 413), supra; as follows:

On page 1 of the amendment No. 2545, on line 9, immediately before the colon, add the following: "except that the waivers provided by this paragraph shall cease to be effective on April 15, 1984, and with the exception of funds made available for Israel and Egypt, not more than one half of the funds made available by this subsection for each account under the Foreign Assistance Act of 1961 or the Arms Export Control Act shall be obligated prior to April 16, 1984."

MELCHER (AND DOMENICI) AMENDMENT NO. 2565

Mr. MELCHER (for himself and Mr. DOMENICI) proposed an amendment (which was subsequently modified) to the joint resolution (H.J. Res. 413), supra; as follows:

At the end of the joint resolution add the following:

Sec. . There is appropriated to the Department of Justice \$100,000 for the payment of a reward to any person who furnishes substantial information which leads to an arrest and criminal conviction for the bombing of the Senate Wing of the United States Capitol on November 7, 1983, to be paid with the written approval of the Attorney General. Any officer or employee of the United States or any State or local government who furnishes information or renders service in the performance of his official duties is ineligible for payment under this section.

D'AMATO AMENDMENT NO. 2566

Mr. D'AMATO proposed an amendment to the joint resolution (H.J. Res. 413), supra; as follows:

At the end of the joint resolution insert:

Notwithstanding any other provision of law, the ban on the use of U.S. Route 209 by commercial vehicular traffic established in Public Law 98-63 is extended until December 31, 1984: *Provided*, That up to 150 northbound and up to 150 southbound commercial vehicles per day serving businesses or persons in Orange County, New York are exempted from such ban: *Provided further*, That the exemption established herein is subject to reevaluation for safety by the five member U.S. Route 209 commission which shall make recommendations to the National Park Service for modification of such ban.

ABDNOR AMENDMENT NO. 2567

Mr. ABDNOR proposed an amendment to the joint resolution (H.J. Res. 413), supra; as follows:

In section 213, after "for in such Act" insert the following: "except that the rate for operations established by this subsection shall be that which is provided in S. 1646, the Treasury, Postal Service and General Government Appropriation bill, 1984, as reported to the Senate (S. Rpt. 98-186) on July 20, 1983."

WARNER (AND TRIBLE) AMENDMENT NO. 2568

Mr. WARNER (for himself and Mr. TRIBLE) proposed an amendment to the joint resolution (H.J. Res. 413), supra; as follows:

At the end of the joint resolution add the following new section:

Sec. . (a)(1) Section 5723(a)(1) of title 5, United States Code, is amended—

(A) by inserting "(A)" after "travel expenses";

(B) by striking out "manpower shortage or" and inserting in lieu thereof "manpower shortage, (B); and

(C) by inserting "or (B) of any person appointed by the President, by and with the advice and consent of the Senate, to a position the rate of pay for which is equal to or higher than the minimum rate of pay prescribed for GS-16" after "Senior Executive Service".

(2) Sections 5724(a)(2) and 5726(b) of title 5, United States Code, are each amended by striking out "11,000" and inserting in lieu thereof "18,000".

(3) Section 5724(b)(1) of title 5, United States Code, is amended by striking out "not in excess of 20 cents a mile".

(4) Section 5724 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) The regulations prescribed under this section shall provide that the reassignment or transfer of any employee, for permanent duty, from one official station or agency to another which is outside the employee's commuting area shall take effect only after the employee has been given advance notice for a reasonable period. Emergency circumstances shall be taken into account in determining whether the period of advance notice is reasonable."

(5) Section 5724(a)(3) of title 5, United States Code, is amended—

(A) in the first sentence thereof, by striking out "30 days" and inserting in lieu thereof "60 days"; and

(B) by striking out the second and fourth sentences thereof and inserting after the first sentence the following: "The period of residence in temporary quarters may be extended for an additional 60 days if the head of the agency concerned or his designee determines that there are compelling reasons

for the continued occupancy of temporary quarters."

(6) Section 5724(a)(4) of title 5, United States Code, is amended—

(A) by inserting "(A)" after "(4)"; and

(B) by adding at the end thereof the following new subparagraph:

"(B)(i) In connection with the sale of the residence at the old official station, reimbursement under this paragraph shall not exceed 10 percent of the sale price or \$15,000, whichever is the lesser amount.

"(ii) In connection with the purchase of a residence at the new official station, reimbursement under this paragraph shall not exceed 5 percent of the purchase price or \$7,500, whichever is the lesser amount.

"(iii) Effective October 1 of each year, the respective maximum dollar amounts applicable under clauses (i) and (ii) shall be increased by the percent change, if any, in the Consumer Price Index published for December of the preceding year over that published for December of the second preceding year, adjusted to the nearest one-tenth of 1 percent. For the purpose of this clause, 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers, United States City Average, Housing Component (1967=100), prepared by the Bureau of Labor Statistics, Department of Labor."

(7)(A)(i) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding after section 5724a the following new sections:

"§ 5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred

"(a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of all or part of the Federal, State, and city income taxes incurred by an employee, or by an employee and such employee's spouse (if filing jointly), for any moving or storage expenses furnished in kind, or for which reimbursement or an allowance is provided (but only to the extent of the expenses paid or incurred). Reimbursements under this subsection shall also include an amount equal to all income taxes for which the employee, or the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in the first sentence of this subsection.

"(b) For the purpose of this section, 'moving or storage expenses' means travel and transportation expenses (including storage of household goods and personal effects under section 5724 of this title) and other relocation expenses under sections 5724a and 5726(c) of this title.

"§ 5724c. Relocation services

"Each agency is authorized to enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out the provisions of this subchapter. Such services include but need not be limited to arranging for the purchase of a transferred employee's residence."

(ii) The chapter analysis at the beginning of chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724a the following new items:

"5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.

"5724c. Relocation services."

November 10, 1983

CONGRESSIONAL RECORD — SENATE

S 15973

(B) Section 5724(i) of title 5, United States Code, is amended by striking out "5724a" and inserting in lieu thereof "5724a, 5724b."

(b) The amendments made by subsection (a) shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums authorized to be appropriated for such agencies.

(c)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Not later than thirty days after the date of the enactment of this Act, the President shall prescribe the regulations required under the amendments made by subsection (a). Such regulations shall take effect as of such date of enactment.

METZENBAUM (AND HATFIELD) AMENDMENT NO. 2569

Mr. METZENBAUM (for himself and Mr. HATFIELD) proposed an amendment to the joint resolution House Joint Resolution 413, supra; as follows:

At the appropriate place in the resolution, add the following new section:

Sec. . (a)(1) The Secretary of Agriculture for national forest lands and the Secretary of the Interior for public lands under their respective jurisdictions are authorized and directed to terminate, at the request of the purchaser, up to 10,000,000 board feet of the timber volume specified in any purchaser's timber sales contracts bid prior to January 1, 1982.

(2) Contracts terminated by the appropriate Secretary pursuant to this subsection shall require the purchaser to pay the Secretary holding the contract a sum equal to \$3.00 per 1,000 board feet or equivalent measure for the costs which will be incurred by such Secretary in terminating such contracts and for reoffering the timber terminated for resale. All funds collected pursuant to this paragraph shall be available to the appropriate Secretary to the extent necessary for termination and resale of such timber.

(b)(1) Excluding any contracts terminated pursuant to subsection (a), if the loss of a purchaser on any timber sales contracts bid prior to January 1, 1982, as determined by subtracting the current log value from the delivered log cost based on the original bid price of any such contracts (as determined by the Forest Service or the Bureau of Land Management), is—

(A) in excess of 100 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sale contracts subject to an assessment of \$3 per thousand board feet on the volume terminated;

(B) in excess of 80 per centum up to 100 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 5 per centum of the contract bid value of the volume terminated;

(C) in excess of 60 per centum up to 80 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 10 per centum of the contract bid value of the volume terminated;

(D) in excess of 40 per centum up to 60 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber

sales contracts subject to an assessment of 15 per centum of the contract bid value of the volume terminated;

(E) in excess of 20 per centum up to 40 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 20 per centum of the contract bid value of the volume terminated; and

(F) in excess of 0 per centum up to 20 per centum of the net worth of the purchaser, the purchaser may terminate up to 75 per centum of the total volume of all timber sales contracts subject to an assessment of 25 per centum of the contract bid value of the volume terminated.

(2) No firm may terminate more than 65,000,000 board feet of timber volume under this subsection.

(3) For purposes of this subsection, the term "net worth" does not include the value of any outstanding uncut timber sales contracts.

(c)(1) Subject to the assessment as provided in paragraph (2), the Secretary of Agriculture for national forest lands and the Secretary of the Interior for public lands are further authorized and directed to adjust, at the written request of the purchaser, the termination dates of any contracts for the purchase of timber not otherwise terminated in subsection (a) or (b), that were bid prior to January 1, 1982, but not earlier than January 1, 1975, for a period not exceeding five years from the termination date in effect on the date of enactment of this Act, or from such earlier dates as the purchaser elects.

(2)(A) For the first year of any adjustment authorized pursuant to paragraph (1), the purchaser shall pay interest on the outstanding contract value of the contract volume of one-half the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such timber contract obligation adjusted to the nearest one-eighth of one per centum.

(B) Beginning with the fourth operating season after any adjustment authorized by paragraph (1), the purchaser shall pay the full rate of interest specified in subparagraph (A) on the outstanding balance of the contract value.

(d) A purchaser granted termination of a contract pursuant to this section shall not, if otherwise eligible, be prevented on account of the termination from bidding on and resale of timber included in a terminated contract.

(e)(1) Contracts to be terminated pursuant to this section under which no harvest has taken place shall be terminated in full.

(2) Contracts terminated by the appropriate Secretary pursuant to this section under which harvest has begun shall be terminated conditionally with the termination becoming final after the purchaser has completed all contractual obligations, including completion of sections of roads where construction has begun, for the units on which harvest has begun. All remaining unharvested units must be terminated.

(3) The appropriate Secretary may not terminate a contract if he determines, in his discretion, that the remaining unharvested units or a logical unit as determined by the Secretary are not representative of all units that were to be harvested on the contract areas in terms of species and logging methods.

(f) Timber from terminated contracts shall be offered for resale in an orderly fashion as part of the normal congressionally authorized timber sales program, and in a

manner which does not disrupt regional markets or artificially depress domestic timber prices. Timber from terminated contracts shall be given preference for resale in the 1984 timber sales program.

(g) The Secretary of the Interior and the Secretary of Agriculture shall publish procedures for the implementation of this section in the Federal Register within 90 days after the date of enactment of this Act.

(h)(1) Any firm that was not engaged in logging or manufacture of timber or that did not own a plant or equipment for that purpose within six months of the contract bid date for a timber sales contract shall not be entitled to terminate or adjust such contracts pursuant to that Act.

(2) As used in this subsection, a firm was engaged in the logging of timber sales when it had the capability to perform that function with its own equipment or when in the regular course of its business it retained the services of another entity to perform that function on its behalf and to deliver the logs so developed to an entity controlled by one or more members of the same family that in the regular course of its business manufactured or was equipped to manufacture those logs into wood products with its own plant or equipment.

(1)(1) For purposes of this section where a corporation owns more than 50 per centum of any other corporation and the other corporation owns a timber sales contract eligible for termination or adjustment under this section, the contracts of such other corporation shall be deemed to be owned by the parent.

(2)(A) For purposes of this section, where a family owns more than fifty per centum of more than one corporation and each of those corporations owns one or more timber sales contracts eligible for termination or adjustment under this section, the contracts of such corporations shall be deemed to be owned by one corporation, and not entitled to be considered as separate corporations in determining the amount of relief permitted under this section.

(B) As used in this paragraph, the term "family" means the father, wife, all the sons and daughters and all the brothers and sisters who are related to each other.

(3) This subsection shall not be deemed to extend the liability for a timber contract from the contract holder to its affiliate.

(j) The Secretary of Agriculture and the Secretary of the Interior shall not take any actions relating to the extension of certain Federal timber contracts as provided in the President's Memorandum of July 27, 1983 and implemented by the Department of Agriculture in 48 Fed. Reg. 38862-63 and the Department of the Interior in BLM Instructional Memorandum 83-743.

MITCHELL AMENDMENT NO. 2570

Mr. MITCHELL proposed an amendment to the joint resolution House Joint Resolution 413, supra; as follows:

At the end of the joint resolution insert:

Sec. . (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is not authorized after the date of enactment of this Act.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements constructed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land